

110TH CONGRESS
1ST SESSION

S. 217

To require the United States Trade Representative to initiate a section 301 investigation into abuses by the Australian Wheat Board with respect to the United Nations Oil-for-Food Programme, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2007

Mr. COLEMAN introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To require the United States Trade Representative to initiate a section 301 investigation into abuses by the Australian Wheat Board with respect to the United Nations Oil-for-Food Programme, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Australian Wheat
5 Board Accountability Act of 2007”.

6 **SEC. 2. INVESTIGATION.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, not later than 30 days after the date of the

1 enactment of this Act, the United States Trade Represent-
 2 ative shall initiate an investigation in accordance with title
 3 III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.)
 4 to determine if actions by the Australian Wheat Board
 5 with respect to the Board's abuse of the United Nations
 6 Oil-for-Food Programme constitutes an act, policy, or
 7 practice and justifies taking action described in section
 8 301(a)(1) of such Act (19 U.S.C. 2411(a)(1)).

9 (b) ACT, POLICY, OR PRACTICE.—For purposes of
 10 this Act, any economic damage suffered by United States
 11 wheat farmers as a result of the practices of the Aus-
 12 tralian Wheat Board related to the United Nations Oil-
 13 for-Food Programme during the period 1999 to 2003 shall
 14 be deemed to be an act, policy, or practice under section
 15 301(a)(1) of the Trade Act of 1974.

16 **SEC. 3. ACTIONS.**

17 (a) NEGOTIATED SETTLEMENT.—

18 (1) IN GENERAL.—If as a result of the inves-
 19 tigation required by section 2 an affirmative deter-
 20 mination is made that the actions of the Australian
 21 Wheat Board have resulted in barriers to United
 22 States wheat exports or meet the requirements for
 23 mandatory action described in section 301(a)(1) of
 24 the Trade Act of 1974 (19 U.S.C. 2411(a)(1)), the
 25 United States Trade Representative shall seek a ne-

1 gotiated settlement with the Government of Aus-
2 tralia for compensation under section 301(c)(1)(D)
3 of such Act (19 U.S.C. 2411(c)(1)(D)).

4 (2) AMOUNT OF COMPENSATION.—In seeking a
5 settlement under paragraph (1), the Trade Rep-
6 resentative shall seek compensation in an amount
7 equal to the economic damages suffered by United
8 States wheat farmers as a result of the actions of
9 the Australian Wheat Board with respect to the
10 Board’s abuse of the United Nations Oil-for-Food
11 Programme.

12 (b) IMPOSITION OF DUTIES.—

13 (1) IN GENERAL.—If the United States Trade
14 Representative fails to reach a settlement with the
15 Government of Australia on or before the date that
16 is 6 months after the date that the United States
17 Trade Representative begins the negotiations de-
18 scribed in subsection (a), the United States Trade
19 Representative shall establish a retaliation list (as
20 described in section 306(b)(2)(E) of the Trade Act
21 of 1974; 19 U.S.C. 2416(b)(2)(E)) and shall impose
22 a rate of duty of 100 percent ad valorem on articles
23 on that list that are imported directly or indirectly
24 from Australia. The duties shall be imposed in a

1 manner consistent with section 301(a)(3) of the
2 Trade Act of 1974 (19 U.S.C. 2411(a)(3)).

3 (2) DURATION OF ADDITIONAL DUTIES.—The
4 duties imposed pursuant to paragraph (1) shall re-
5 main in effect until the date that the United States
6 Trade Representative certifies to Congress that the
7 imposition of such duties is no longer appropriate
8 because adequate compensation has been obtained
9 and the Australian Wheat Board is no longer engag-
10 ing in the acts, policies, or practices that were the
11 basis for the imposition of the duties.

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